

KCC 4767 (K-C 17,080)
PATENTRemarks

This letter is responsive to the final Office action dated April 14, 2005. Claims 25, 27, and 30 are amended herein. Upon entry of this amendment, claims 17-19, 25, 27, 30, and 31 remain pending.

Applicants submit herewith a Request for Continued Examination (RCE) pursuant to 37 CFR § 1.114. The Commissioner is authorized to charge the fee for continued examination under 37 CFR § 1.17(e), and any deficiencies in payment to Deposit Account No. 19-1345.

Applicants have invented a unique method for securing an absorbent article with superior gripping strength. It reduces "pop opens" of training pants when a child stoops or bends, overcoming a long felt need as known to those skilled in the art. A key feature is contraction of a loop component which includes a stretchable loop material and a stretchable substrate. On engagement with a hook component, the loop component has a more open structure with greater spacing between loops which allows individual hooks to better penetrate the loop component, and allows more hooks to align with loops. Upon contraction, relative sliding movement between the fastening components causes more of the hooks to engage with loops. The sliding force is larger because of contraction both inside and outside the hook/loop engagement region. The grip is enhanced because the contracted loop component reaches a tighter structure with decreased spacing between loops.

KCC 4767 (K-C 17,080)
PATENT

The prior art has nothing to do with, and has no disclosure of, any method for achieving a more secure connection of hook and loop fastening components with each other. There is no suggestion of contracting following engagement to improve the strength of the connection.

I. Information Disclosure Statements

Applicants acknowledge an error in each of the information disclosure statements mailed 11-17-04 and 1-12-05 by inadvertently citing a reference which had been previously cited in an earlier IDS. By way of explanation, Applicants are conscientious in their duty of candor and make it a practice to inform the PTO of all pertinent references of which they become aware. In these two statements, Applicants' representatives inadvertently failed to notice that one or more reference had been previously cited. Applicants respectfully request the Examiner's understanding of this mistake, and to simply line-through references which were previously cited.

Moreover, pursuant to MPEP 609(I)(B)(4), Applicants believe that the information disclosure statements must now be considered because an RCE has herewith been filed. Duplicate copies of the Forms PTO/SB/08A are attached hereto. Applicants respectfully request that the Examiner initial and return the forms indicating consideration of references.

II. Response to Rejections Under 35 U.S.C. §§ 102 and 103

A. Claims 25 and 27

KCC 4767 (K-C 17,080)
PATENT

Applicants have amended claim 25 herein to clarify differences between the present invention and the prior art, including particularly U.S. Patent Nos. 5,693,401 (Sommers et al.) and No. 5,386,595 (Kuen et al.). As amended, claim 25 recites:

A method for securing engagement between fastening components of an article used for personal wear, the fastening components comprising a hook component and a loop component, the loop component comprising a **stretchable loop material secured to a stretchable substrate**, the hook component being capable of fastening engagement with the loop material of the loop component, the method comprising the steps of:

arranging the fastening components in at least partially opposed relationship with each other;

engaging the fastening components with each other to define an engagement seam whereby the hook component fastenably engages the loop material of the loop component; and

contracting said loop component relative to said hook component at said engagement seam following engagement of the fastening components to thereby urge sliding movement of one fastening component relative to the other fastening component at the engagement seam to promote increased engagement between the fastening components at the engagement seam, **said contracting including contracting of said**

KCC 4767 (K-C 17,080)
PATENT

stretchable loop material and contracting of said stretchable substrate.

No new matter is added by this amendment. Support is found at several points in the specification, including, for example, page 25 lines 18-22.

Sommers et al. disclose a surgical glove retainer comprising an elastic strip (10) having a hook material (30) at one end and a loop material (26) at the opposite end. The hook and loop materials are attached to the elastic strip by sewing. In use, the elastic strip (10) is stretched about the wearer's forearm/wrist, and the hook material is brought into contact with the loop material. The elastic strip (10) is then allowed to retract to form a tight yet non-restrictive fit around the wearer's forearm/wrist (see column 10, lines 28-34). The function of the elastic strip is to apply a gripping force on the glove and underlying wrist. Neither the loop material nor the hook material would stretch or contract.

Sommers et al. fail to show or suggest a step of contracting a loop component relative to a hook component to promote increased engagement between the fastening components at the engagement seam, wherein that includes contracting a stretchable loop material and contracting a stretchable substrate. Nowhere in the Sommers patent is there an appreciation or concern for increasing engagement and gripping strength. Nowhere does it suggest that loop material contracts, retracts, or slides relative to hook material at the

KCC 4767 (K-C 17,080)
PATENT

region of engagement. Sommers discloses only a conventional use of hook and loop fasteners by stretching the strip in an intermediate region between the hook component and a corresponding region of engagement on the loop component. Unlike applicants' method, the sliding force between the fastening components is not increased by contraction from both a loop material and a substrate as in the present invention. Thus it fails to achieve enhancement to gripping strength. Neither does an embodiment of Sommers' mentioned briefly at column 7, lines 10-14 show or suggest the claimed invention. That requires an elastic strip which is "loopy enough" such that separate attachment of loop material can be dispensed with.

Regarding the patent to Kuen et al., it shows in Fig. 7 an attachment system having stretchable straps (76A, 76B) each having a looped face (78). End portions (53, 54) of each strap are pressed against corresponding hook patches (72A, 72B, 74A, 74B).

Kuen et al. fail to show or suggest a step of contracting a loop component relative to a hook component to promote increased engagement between the fastening components at the engagement seam, wherein that includes contracting a stretchable loop material and contracting a stretchable substrate. Like the Sommers reference, Kuen nowhere indicates an appreciation or concern for increased engagement and gripping strength. Nowhere does it show or suggest that loop material contracts or retracts relative to hook material at the

KCC 4767 (K-C 17,080)
PATENT

region of engagement. The straps stretch only in an intermediate region between the two regions of hook/loop engagement. Kuen's attachment procedure, described at column 10, line 58 through column 11, line 30, is a conventional attachment of hook and loop fasteners. Unlike applicants' method, the sliding force between the fastening components is not increased by contraction from both the loop material and a substrate. Thus it fails to achieve enhancement to gripping strength.

Since the disclosures of Sommers and Kuen neither disclose nor suggest the method recited in claim 25 as amended, Applicants request that the rejection be withdrawn.

Claim 27 depends directly from claim 25 and is patentable for, among other reasons, the same reason that claim 25 is patentable. Accordingly, applicants respectfully request that claim 27 be allowed. Moreover, claim 27 further requires stretching the loop component prior to engaging the fastening components with each other such that the portion of the loop component to be secured to the hook component is stretched, and releasing the stretched loop component following engagement such that the loop component retracts relative to the hook component at the engagement seam. The stretching includes stretching of the stretchable loop material and stretching of the stretchable substrate. Sommers and Kuen fail to show or suggest these features. Thus, for these additional reasons, the rejections of claim 27 should be withdrawn.

KCC 4767 (K-C 17,080)
PATENTB. Claims 17-19, 30, and 31

Applicants have amended claim 30 herein to clarify differences between the present invention and the prior art, including particularly Kuen et al. As amended, claim 30 requires, among other elements:

positioning a mechanical fastening system on the body, the mechanical fastening system comprising a loop component and a hook component, the loop component comprising an **elastomeric loop material** secured to an elastomeric substrate such that the loop component is elastomeric at the loop material, the hook component being fastenably engageable with the loop material of the loop component;

stretching the loop component at the loop material **which includes stretching both said loop material and said substrate**;

engaging the hook component and the loop component whereby the hook component fastenably engages the loop material of the loop component; and allowing the loop component to retract at the loop material **which includes retraction of said loop material and retraction of said substrate**.

Kuen et al. fail to show or suggest a method including stretching the loop component at the loop material, which includes stretching both a loop material and a substrate. Kuen et al. fail to show a step of allowing the loop component to retract at the loop material which includes retraction of said loop material and retraction of said substrate. As discussed

KCC 4767 (K-C 17,080)
PATENT

above, Kuen shows a conventional method for attaching hook and loop fasteners.

Since the invention in Kuen neither discloses nor suggests the method recited in claim 30, Applicants request that the rejection be withdrawn.

Claims 17-19 and 31 each depend from claim 30 and are patentable for, among other reasons, the same reason that claim 30 is patentable. Accordingly, applicants respectfully request that claims 17-19 and 31 be allowed.

III. Conclusion

In view of the foregoing, favorable consideration and allowance of claims 17-19, 25, 27, 30, and 31 as now presented are respectfully requested.

Respectfully submitted,



Donald W. Tuegel, Reg. No. 45,424
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

DWT/cak
VIA FACSIMILE 703-872-9306